

**ELEVENTH DAY**

(January 23, 1962)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis

**Absent—Excused**

Hudson	Weinert
Moffett	

A quorum was announced present.

Reverend Eugene Dye, Associate Pastor Central Christian Church, offered the following invocation:

"Eternal God: We pause before entering into the deliberations of this session to invoke Your wisdom and guidance upon what we say and decide here. We are grateful to You for the progress that has been made by this Senate, and by the administration, in making this State a better place in which to live. In this great State, we are constantly humbled by its tremendous problems, opportunities, and the pressures of special needs.

"Forgive us for those actions which make our consciences uneasy in Your presence. Make us constantly aware of our responsibility to work together and in partnership for that which fulfills righteousness, justice and honesty; and which is in the best interests of all.

"Give us wisdom beyond our limited knowledge, insight beyond our restricted vision, courage beyond political consideration, compassion beyond our limited experience; that the work You have given each of us may be the reflection of Your will for the State which we love and serve. In the name of our Lord, Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

**Leaves of Absences**

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Martin.

Senator Hudson was granted leave of absence for today on account of illness on motion of Senator Calhoun.

Senator Moffett was granted leave of absence for today on account of death in the family on motion of Senator Colson.

**Reports of Standing Committees**

Senator Hardeman submitted the following reports:

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 19, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 34, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Smith submitted the following report:

Austin, Texas,  
January 22, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 29, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass, as amended, and be printed.

SMITH, Vice-Chairman.

Senator Parkhouse submitted the following reports:

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 49, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 53, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 57, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 78, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Senator Aikin submitted the following report:

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. C. R. No. 8, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

#### Senate Concurrent Resolution 18

Senator Aikin offered the following resolution for President Pro Tempore Herring:

S. C. R. No. 18, Granting an easement to the City of Austin for water line purposes.

Whereas, The City of Austin, a municipal corporation, lying and being situated in Travis County, Texas, is the operator of its water purification and distribution system; and

Whereas, The safety, health and general welfare of the citizens in the northern one-half of the City of Austin, as well as the health, safety and general welfare of those citizens of Travis County who live within the confines of the various water districts to the north of the City of Austin, require the enlargement of the City of Austin distribution system by the construction of a 48-inch water main in and along State-owned property in the City of Austin; and

Whereas, It has been determined that the construction of the above mentioned 48-inch water line will benefit all of those State-owned properties known as the Austin State Hospital, the Texas State School for the Blind, the State Health Department Building, the State Dairy Tract, and the State Department of Public Safety Building by insuring an adequate supply of water for fire fighting and further development of these properties; and

Whereas, It has been found that the construction of the above indicated 48-inch water line will further benefit the State-owned property across which it must pass by permitting the abandonment of the 6-inch water line which presently bisects this tract and thereby interferes with its development; now, therefore, be it

Resolved by the Senate, the House

of Representatives concurring, That in consideration of the benefits which will accrue to the State of Texas by reason of the development and maintenance of such 48-inch water line, there is hereby dedicated and granted to the City of Austin an easement for water line purposes in, upon, along and across the following described tract of land:

Two (2) strips of land, each of the said two (2) strips of land being ten (10.00) feet in width; the strip of land hereinafter described as No. 1 being out of a part of a certain portion of the George W. Spear League in the City of Austin, Travis County, Texas; the strip of land hereinafter described as No. 2 being out of and a part of Outlot 82, Division "D," of the Government Outlots adjoining the Original City of Austin according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, which certain portion of the George W. Spear League and Outlot 82, Division "D," together with other property, was conveyed to the State of Texas by Warranty Deed dated March 26, 1883, of record in Volume 55, page 246-247 of the Deed Records of Travis County, Texas, each of the said two (2) strips of land being more particularly described as follows:

No. 1—Beginning at a point in the present north line of West 45th Street, and from which point of beginning the point of intersection of the said present north line West 45th Street with the east line of Lamar Boulevard bears N. 57° 28' W. 5.00 feet;

Thence, along a line five (5.00) feet east of and parallel to the east line of Lamar Boulevard, N. 32° 20' E. 381.67 feet to the point of curvature of a curve whose angle of intersection is 38° 52' whose radius is 1091.28 feet and whose tangent distance is 385.01 feet;

Thence, with said curve to the right an arc distance of 740.27 feet, the long-chord of which arc bears N. 12° 54' E. 726.16 feet to the point of tangency of said curve;

Thence, continuing with the said line five (5.00) feet east or southeast of and parallel to east or southeast line of Lamar Boulevard N. 71° 12' E. to point of termination in the west line of West Guadalupe Street.

No. 2—Beginning at a point in the present south line of West 45th Street and from which point of beginning

the point of intersection of the present south line of West 45th Street with the east line of Lamar Boulevard bears N. 57° 28' W. five (5.00) feet;

Thence, with a line five (5.00) feet east of and parallel to the east line of said Lamar Boulevard in a southerly direction twenty-five (25.00) feet to point of termination;

And in addition thereto a temporary working space easement thirty-five (35.00) feet in width to cover the period of original installation is to be retained contiguous to the east or southeast lines of each of the said two (2) strips of land described above.

The resolution was read and was referred to the Committee on Counties, Cities and Towns.

#### Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committee indicated:

By Senator Moore:

S. B. No. 88, A bill to be entitled "An Act constituting a local law for the maintenance of public roads and highways in Robertson County by authorizing the County to issue certificates of indebtedness for certain stated purposes; stating terms and conditions of issuance; requiring the levy of a tax to pay such certificates; authorizing the refunding of said certificates; enacting other provisions relating to the subject; containing a severability clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senators Hardeman and Owen:

S. B. No. 89, A bill to be entitled "An Act to amend Chapter 483, Page 902, 51st Legislature, Acts 1949 as amended by Chapter 324, Section 1, Page 861, 54th Legislature, Acts 1955, Revised Civil Statutes of Texas, compiled as Article 5248g, Vernon's Annotated Civil Statutes, to provide for the granting by deed executed by the Governor of the State of Texas to the United States of certain portions of the beds and banks of the Pecos and Devils Rivers for the purposes of storage and flood control projects in accordance with the functions of the International Boundary and Water Commission, United States and United

Mexican States, and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Reagan:

S. B. No. 90, A bill to be entitled "An Act amending paragraph (d) of Section 4 and paragraph (g) of Section 7 of Chapter 377, Acts of the 57th Legislature, Regular Session, 1961, to permit State-owned submerged lands and islands to be leased for recreational purposes; and declaring an emergency."

To the Committee on State Affairs.

By Senator Schwartz:

S. B. No. 91, A bill to be entitled "An Act amending Senate Bill No. 136, Acts of the 57th Legislature, State of Texas, Regular Session, 1961, to fix and make certain the amount of compensation to be paid from County funds to the District Judges of the 10th, 56th and 122nd District Courts of Galveston County by the Commissioners Court of Galveston County in addition to the compensation paid by the State of Texas; prohibiting, however, the payment of any salary by Galveston County in excess of the compensation provided by this Act; providing the time and method of payment; authorizing amendment of the budget; providing that if any portion of this Act is unconstitutional, it shall not affect the remainder thereof; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Creighton:

S. B. No. 92, A bill to be entitled "An Act to amend Section 19 of the Texas Unemployment Compensation Act, as amended, (Senate Bill No. 5, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, 1936, as amended) to change the definition of the term 'employment' to exclude from coverage of the Texas Unemployment Compensation Act certain services performed by students pursuant to vocational training programs of the public schools of the State of Texas whereby such students receive on-the-job training to supplement classroom studies; providing an effective date of this Act; providing for the repeal of all laws and parts of laws in conflict

herewith; and declaring an emergency."

To the Committee on State Affairs.

#### Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. C. R. No. 18, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

#### Senate Concurrent Resolution 18 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent S. C. R. No. 18 was ordered not printed.

#### House Concurrent Resolution 8 Ordered Not Printed

On motion of Senator Baker and by unanimous consent H. C. R. No. 8 was ordered not printed.

#### Reports of Standing Committees

Senator Lane by unanimous consent submitted the following reports:

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 61, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 3, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substi-

tute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. H. B. No. 3 was read first time.

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 88, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Smith by unanimous consent submitted the following reports:

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 85, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMITH, Vice Chairman.

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 44, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMITH, Vice Chairman.

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 16, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

SMITH, Vice Chairman.

#### Senate Bill 53 Ordered Not Printed

On motion of Senator Fuller and by unanimous consent S. B. No. 53 was ordered not printed.

#### Message from the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,  
January 23, 1962.

To the Senate of the Fifty-seventh Legislature, Third Called Session:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be members of the Game and Fish Commission, for six-year terms to expire September 1, 1967: Morris Higley of Childress, Childress County; Howard A. Carney of Atlanta, Cass County.

To be a member of the Board of Directors of the Central Colorado River Authority, to fill the unexpired term of H. E. Evans, deceased, term to expire January 1, 1967: Ralph Edens of Talpa, Coleman County.

Respectfully submitted,

PRICE DANIEL  
Governor of Texas

#### Senate Concurrent Resolution 19

Senator Owen offered the following resolution:

S. C. R. No. 19, Requesting Legislative Council to study feasibility and advisability of dividing Hudspeth County.

Whereas, Section 1, Article IX of the Constitution of the State of Texas provides for the creation of counties within the territory of any county or counties now existing, further specifying that such new counties of a less area than 900 square miles, but of 700 or more square miles, may be created by a two-thirds vote of each house of the Legislature, taken by yeas and nays and entered on the journals; and

Whereas, Hudspeth County is the third largest in the State in terms of area, comprising 4,533 square miles; and

Whereas, Under the restrictions set

forth in Section 1, Article IX of the Constitution, Hudspeth County could be divided into as many as five counties; and

Whereas, The extremely large area of the county and its widely varying terrain make the administration of county affairs difficult; now, therefore be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That the Texas Legislative Council be requested to make a study of the feasibility and advisability of creating several counties from the territory now comprising Hudspeth County; and be it further

Resolved, That the Council be requested to report its findings and recommendations as to what steps, if any, should be taken in this regard to the Regular Session of the 58th Legislature.

On motion of Senator Owen and by unanimous consent the reading of the resolution was dispensed with and he explained the resolution.

On motion of Senator Owen and by unanimous consent the resolution was considered immediately and was adopted.

#### **Senate Bill 88 Ordered Not Printed**

On motion of Senator Moore and by unanimous consent S. B. No. 88 was ordered not printed.

#### **House Concurrent Resolution 8 on Second Reading**

On motion of Senator Baker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 8, Providing for the establishment of an interim committee to make a study of screwworm eradication and to make reports and recommendations to the Regular Session of the Fifty-eighth Legislature.

The resolution was read and was adopted.

#### **House Concurrent Resolution 11 on Second Reading**

On motion of Senator Willis and by unanimous consent, the regular

order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 11, Granting the Christian and Missionary Alliance of the Southwest District permission to bring suit against the State of Texas.

The resolution was read and was adopted.

#### **Senate Concurrent Resolution 18 on Second Reading**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

S. C. R. No. 18, Granting an easement to the City of Austin for water line purposes.

The resolution was read and was adopted.

#### **Report of Standing Committee**

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 89, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

#### **Co-author Senate Bill 61**

On motion of Senator Hardeman and by unanimous consent Senator Crump will be shown as co-author of S. B. No. 61.

#### **Senate Bill 42 Re-referred**

On motion of Senator Hardeman and by unanimous consent S. B. No. 42 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

#### **Senate Bill 80 Re-referred**

On motion of Senator Hardeman

and by unanimous consent S. B. No. 80 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

#### Senate Bill 89 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent S. B. No. 89 was ordered not printed.

#### Resolutions Signed

The President Pro Tempore signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 12, Urging Board of Regents of State Teachers Colleges to follow wishes of students and designate Union Center Building at East Texas State College "The Sam Rayburn Memorial Student Center."

S. C. R. No. 13, Directing the Enrolling Clerk to make certain corrections in S. B. No. 1.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 11, Granting Computers, Inc. permission to sue the state.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Bill 78 Ordered Not Printed

On motion of Senator Krueger and by unanimous consent S. B. No. 78 was ordered not printed.

#### Senate Bill 13 Laid on Table Subject to Call

On motion of Senator Ratliff and by unanimous consent S. B. No. 13 was Laid on the Table Subject to Call.

#### Co-author Senate Bill 78

On motion of Senator Krueger and by unanimous consent Senators Crump and Herring will be shown as co-authors of S. B. No. 78.

#### Senate Bill 49 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent S. B. No. 49 was ordered not printed.

#### Senate Bill 57 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent S. B. No. 57 was ordered not printed.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 17, Granting permission to Connecticut General Life Insurance Company to sue the State of Texas.

H. C. R. No. 13, Granting permission to the city of Big Spring, Texas, to sue the State of Texas, the Board of Control of the State of Texas, and the Board for Texas State Hospitals and Special Schools.

H. B. No. 30, A bill to be entitled "An Act providing an open season for hunting deer in Eastland County; authorizing the taking of one antlerless deer during the open season in said county; making it unlawful to hunt or take antlerless deer in said county without first obtaining a 'doe tag,' or to possess the carcass of any antlerless deer killed in or taken from said county without attaching thereto a doe tag; making it unlawful to use in any season more than one doe tag issued under this Act or to use any such doe tag not issued to the user, or to use any such doe tag on more than one antlerless deer; providing for the administration of the doe tags and the disposition of the fees and fines collected thereunder; providing certain exemptions; providing penalties for the violation of any of the provisions of this Act; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 28, A bill to be entitled "An Act amending Section 1 of Chapter 22, Acts of the 53rd Legislature, First Called Session, 1954, as amend-

ed, to lengthen the open season on deer in that part of Val Verde County lying east of the Pecos River, and declaring an emergency."

H. B. No. 10, A bill to be entitled "An Act making certain appropriations out of the unexpended balances in the Special Mineral Lease Fund to the Department of Corrections for emergency purposes; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 42, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

#### Senate Bill 42 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent S. B. No. 42 was ordered not printed.

#### Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 80, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

#### Senate Bill 80 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent S. B. No. 80 was ordered not printed.

#### Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 81, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

#### Senate Bill 81 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent S. B. No. 81 was ordered not printed.

#### Senate Bill 19 with House Amendments

Senator Willis called S. B. No. 19 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Willis moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill:

Senators Willis, Ratliff, Owen, Rogers and Hardeman.

#### Senate Bill 3 on Third Reading

The President Pro Tempore laid before the Senate on its third reading and final passage:

S. B. No. 3, A bill to be entitled "An Act making certain appropriations out of the General Revenue Fund to the State Highway Department for advertising tourist attractions in Texas and to the Texas Youth Council for additional parole supervisors and officers and operating expenses; out of the unexpended bal-

ances in the Special Mineral Lease Fund to the Department of Corrections for emergency purposes; out of the State Building Fund to the State Building Commission for renovation and repair of the San Jacinto Monument; and declaring an emergency."

The bill was read third time.

Senator Lane offered the following amendment to the bill:

Amend the caption of Senate Bill No. 3 by adding after the words, "may be expended," the following:

"authorizing the establishment, and setting of salaries, of additional positions required in administering the investment program of the Texas Central Education Agency and other expenses of State Government; and declaring an emergency."

The amendment was read.

Senator Aikin offered the following amendment to the pending amendment:

Amend Lane amendment by adding after the word "of" in line one the word "two."

The amendment to the amendment was read and was adopted.

The amendment as amended was then adopted by the following vote:

Yeas—28

Aikin	Fuller
Baker	Hardeman
Calhoun	Hazlewood
Colson	Herring
Creighton	Kazen
Crump	Krueger
Dies	Lane

Martin	Roberts
Moore	Rogers
Owen	Schwartz
Parkhouse	Secrest
Patman	Smith
Ratliff	Spears
Reagan	Willis

Absent—Excused

Hudson	Weinert
Moffett	

Senator Colson offered the following amendment to the bill:

Amend Section 3 of Senate Bill No. 3 by striking out the word "and" after the semicolon in the last sentence thereof and by changing the period at the end of the paragraph to a semicolon and inserting the following:

"and the supplementation of the salaries of the Director, Department of Corrections and the Assistant Director—Business and Custody; provided, however, that the salaries with supplementation shall not exceed Twenty-Two Thousand Five Hundred Dollars (\$22,500) per year for the Director and Fifteen Thousand Dollars (\$15,000) per year for the Assistant Director—Business and Custody."

The amendment was read.

Senator Aikin offered the following amendment to the pending amendment:

Amend Colson Amendment to S. B. 3, Section 3, by adding the following at the end of said section:

The salaries for the following positions shall be set as itemized with increases provided to be paid within the funds already appropriated by S. B. 1, the Appropriation Act, First Called Session, 57th Legislature:

	1962	1963
Highway Department:		
State Highway Engineer	\$ 22,500	\$ 22,500
Assistant State Highway Engineer	15,000	15,000
Department of Public Safety:		
Director	22,500	22,500
Assistant Director	15,000	15,000
Department of Health:		
Commissioner of Health	22,500	22,500
Executive Director	15,000	15,000
Department of Public Welfare:		
Commissioner (half salary)	11,250	11,250
Assistant Commissioner (half salary)	7,500	7,500
Central Education Agency:		
Commissioner of Education	22,500	22,500
Deputy Commissioner of Education	15,000	15,000

The amendment to the pending amendment was adopted.

The amendment as amended was adopted by the following vote:

## Yeas—22

Aikin	Parkhouse
Baker	Patman
Colson	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Martin	Spears
Owen	Willis

## Nays—5

Creighton	Lane
Crump	Moore
Krueger	

## Absent

Calhoun

## Absent—Excused

Hudson	Weinert
Moffett	

Senator Spears offered the following amendment to the bill:

Amend S. B. 3 by striking from Section 1 the words "Two Hundred Thousand Dollars (\$200,000)" and substituting in lieu thereof the following: "Three Hundred Thousand Dollars (\$300,000)."

The amendment was read.

Senator Owen raised point of order that the amendment was improper in that the amendment had been offered on second reading and was defeated.

The President Pro Tempore overruled the Point of Order.

The amendment failed of adoption by the following vote:

## Yeas—9

Aikin	Patman
Baker	Schwartz
Herring	Spears
Kazen	Willis
Martin	

## Nays—16

Creighton	Dies
Crump	Fuller

Hardeman	Ratliff
Krueger	Reagan
Lane	Roberts
Moore	Rogers
Owen	Secrest
Parkhouse	Smith

## Absent

Calhoun	Hazlewood
Colson	

## Absent—Excused

Hudson	Weinert
Moffett	

Senator Baker offered the following amendment to the bill:

Amend S. B. 3, Sec. 2, by changing words and figures \$75,000.00 to \$156,500.00.

The amendment was read.

The amendment failed of adoption by the following vote:

## Yeas—13

Baker	Patman
Colson	Roberts
Hardeman	Schwartz
Herring	Secrest
Kazen	Spears
Krueger	Willis
Martin	

## Nays—14

Aikin	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Ratliff
Fuller	Reagan
Hazlewood	Rogers
Lane	Smith

## Absent

Calhoun

## Absent—Excused

Hudson	Weinert
Moffett	

On motion of Senator Martin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed by the following vote:

## Yeas—22

Aikin	Fuller
Baker	Hardeman
Colson	Hazlewood
Dies	Herring

Kazen	Roberts
Krueger	Rogers
Martin	Schwartz
Owen	Secrest
Patman	Smith
Ratliff	Spears
Reagan	Willis

## Nays—6

Calhoun	Lane
Creighton	Moore
Crump	Parkhouse

## Absent—Excused

Hudson	Weinert
Moffett	

## Senate Bill 78 on Second Reading

On motion of Senator Krueger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 78, A bill to be entitled "An Act amending Section 10 of the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session of the 43rd Legislature (1934), page 19, as amended by Chapter 2, Special Laws of the Regular Session of the 46th Legislature (1939), page 1048, by Chapter 61, Acts of the Regular Session of the 51st Legislature (1949), page 101, and by Chapter 165, Acts of the Regular Session of the 54th Legislature (1955), page 532, and by Chapter 327, Acts of the Regular Session of the 56th Legislature (1959), page 708, so as to authorize the Lower Colorado River Authority to sell bonds to the United States of America, or to any agency or corporation created or designated by the United States of America; to acquire, install, or construct, and to operate a steam plant located within the boundaries of the District to serve the area now being served by Lower Colorado River Authority; and providing rights and powers of bondholders in event of default; re-enacting the remainder of said Section 10 without change; containing a severability clause; and declaring an emergency."

The bill was read second time and passed to engrossment.

## Senate Bill 78 on Third Reading

Senator Krueger moved that the Constitutional Rule and Senate Rule

32 requiring bills to be read on three several days be suspended and that S. B. No. 78 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Martin
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis

## Absent—Excused

Hudson	Weinert
Moffett	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28

Aikin	Martin
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis

## Absent—Excused

Hudson	Weinert
Moffett	

## Motion to Reconsider and Spread on Journal Senate Bill 12

On motion of Senator Hazlewood and by unanimous consent the vote by which S. B. No. 12 was re-committed to the Committee on Jurisprudence on Monday, January 22, 1962,

was reconsidered and the motion to reconsider was ordered spread on the Journal.

#### Motion to Not Print Senate Bill 61

Senator Hardeman asked unanimous consent to suspend Senate Rule 38 that S. B. No. 61 be not printed.

There was objection.

The motion to not print failed of adoption by the following vote (not receiving two-thirds vote of the Members present):

#### Yeas—16

Aikin	Parkhouse
Crump	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Kazen	Secrest
Lane	Smith
Owen	Willis

#### Nays—10

Calhoun	Martin
Creighton	Moore
Dies	Patman
Herring	Schwartz
Krueger	Spears

#### Absent

Baker	Colson
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#### Absent—Excused

Hudson	Weinert
Moffett	

#### House Bills and Resolutions on First Reading

The following bills and resolutions received from the House, were read the first time and referred to the committees indicated:

H. C. R. No. 17, To the Committee on Jurisprudence.

H. C. R. No. 13, To the Committee on Jurisprudence.

H. B. No. 10, To the Committee on Finance.

H. B. No. 28, To the Committee on Game and Fish.

H. B. No. 30, To the Committee on Game and Fish.

#### Reports of Standing Committees

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 91, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Hardeman by unanimous consent submitted the following report:

Austin, Texas,  
January 23, 1962

Hon. Charles F. Herring, President  
Pro Tempore of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 13, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

#### Motion to Place Senate Bill 28 on Second Reading

Senator Willis asked unanimous consent to suspend the regular order of business and take up S. B. No. 28 for consideration at this time.

There was objection.

Senator Willis then moved to suspend the regular order of business and take up S. B. No. 28 for consideration at this time.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present):

#### Yeas—17

Baker	Ratliff
Colson	Reagan
Dies	Roberts
Fuller	Schwartz
Herring	Secrest
Kazen	Smith
Martin	Spears
Parkhouse	Willis
Patman	

#### Nays—11

Aikin	Hardeman
Calhoun	Hazlewood
Creighton	Krueger
Crump	Lane

Moore                      Rogers  
Owen

Absent—Excused

Hudson                      Weinert  
Moffett

#### Senate Bill 60 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 60, A bill to be entitled "An Act amending Sec. 212 of the election Code of the State of Texas (codified as Art. 13.34 of V.T.E.C.), relating to county and precinct conventions; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 60 on Third Reading

Senator Hardeman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 60 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis

Absent—Excused

Hudson                      Weinert  
Moffett

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis

Absent—Excused

Hudson                      Weinert  
Moffett

#### Senate Bill 80 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 80, A bill to be entitled "An Act to amend House Bill No. 261, Acts 57th Legislature, Regular Session, 1961, Chapter 274, relating to the filing of rules and regulations of state administrative agencies, declaring all rules, regulations and orders in effect on or issued by State agencies after August 31, 1961 and prior to the effective date hereof to be valid although certified copies thereof were not filed with the Secretary of State; providing for severability; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 80 on Third Reading

Senator Hardeman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 80 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Creighton
Baker	Crump
Calhoun	Dies
Colson	Fuller

Hardeman	Patman
Hazlewood	Ratliff
Herring	Reagan
Kazen	Roberts
Krueger	Rogers
Lane	Schwartz
Martin	Secrest
Moore	Smith
Owen	Spears
Parkhouse	Willis

Absent—Excused

Hudson	Weinert
Moffett	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis

Absent—Excused

Hudson	Weinert
Moffett	

**Senate Bill 89 on Second Reading**

Senator Hardeman moved that Senate Rules 13, 32 and 38 and the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 89 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Fuller
Baker	Hardeman
Calhoun	Hazlewood
Colson	Herring
Creighton	Kazen
Crump	Krueger
Dies	Lane

Martin	Roberts
Moore	Rogers
Owen	Schwartz
Parkhouse	Secrest
Patman	Smith
Ratliff	Spears
Reagan	Willis

Absent—Excused

Hudson	Weinert
Moffett	

The President Pro Tempore then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 89, A bill to be entitled "An Act to amend Chapter 483, Page 902, 51st Legislature, Acts 1949 as amended by Chapter 324, Section 1, Page 861, 54th Legislature, Acts 1955, Revised Civil Statutes of Texas, compiled as Article 5248g, Vernon's Annotated Civil Statutes, to provide for the granting by deed executed by the Governor of the State of Texas to the United States of certain portions of the beds and banks of the Pecos and Devils Rivers for the purposes of storage and flood control projects in accordance with the functions of the International Boundary and Water Commission, United States and United Mexican States; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

**Senate Bill 89 on Third Reading**

The Constitutional rule requiring bills to be read on three several days having been suspended the President Pro Tempore laid S. B. No. 89 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—27

Aikin	Kazen
Baker	Krueger
Calhoun	Lane
Colson	Martin
Creighton	Moore
Crump	Owen
Dies	Parkhouse
Fuller	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers

Schwartz  
Secrest  
Smith

Spears  
Willis

Nays—1

Patman

Absent—Excused

Hudson  
Moffett

Weinert

#### Senate Bill 42 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 42, A bill to be entitled "An Act amending Article 630, Revised Civil Statutes of Texas, 1925, so as to provide approval by the Governor, the Secretary of State, and the Comptroller of certain purchase contracts made under the provisions of the State Purchasing Act of 1957; repealing Articles 607, 608, as amended, 609, 610, 611, 612, 613, as amended, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, and 629 of the Revised Civil Statutes of Texas; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 42 on Third Reading

Senator Hardeman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 42 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis

Absent—Excused

Hudson  
Moffett

Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Leave of Absence

Senator Roberts was granted leave of absence for remainder of today on account of important business on motion of Senator Willis.

#### Senate Bill 53 on Second Reading

On motion of Senator Fuller and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 53, A bill to be entitled "An Act enlarging Jefferson County Drainage District No. 7, Jefferson County, Texas; and defining the boundaries; finding the field notes and boundaries form a closure, and related matters; creating and establishing same as a District under Section 59, Article XVI, Texas Constitution; granting to said District the powers and rights conferred by Section 59, Article XVI, Constitution of Texas, and the general Laws relating to drainage districts with certain exceptions; granting additional powers to provide protection against flooding, etc., and declaring an emergency."

The bill was read second time.

Senator Fuller offered the following Committee Amendment to the bill:

Amend S. B. 53 by striking out Section 1 thereof and inserting in lieu thereof the following:

"Section 1. That Jefferson County Drainage District No. 7 of Jefferson County, Texas, is hereby enlarged to include all the territory and property within the following boundary description, and the boundaries of said District are and shall be the following:

Beginning at the point of intersection of the east right-of-way line of the Kansas City Southern Railroad, formerly known as the Texarkana & Fort Smith Railroad right-of-way,

with the north line of the Pelham Humphries Survey;

Thence southwesterly along the northerly boundary lines of the Pelham Humphries Survey to its intersection with the west right-of-way line of the Southern Pacific Railroad, formerly known as the Sabine and East Texas Railway;

Thence southeasterly along the west line of said right-of-way to its intersection with the top of the northerly bank of a main canal formally known as the McFaddin, Weiss, Kyle Land Company's No. 2 Canal;

Thence in a southwesterly direction along the top of the northerly bank of said main canal No. 2 with its meanders to the terminal point of said main canal on the top of its northerly bank;

Thence S. 45 deg. W. a distance of 2000 feet more or less to its intersection with the centerline of Hillebrandt Road;

Thence southerly along the centerline of said Hillebrandt Road to the centerline of Hillebrandt Bayou;

Thence down the centerline of Hillebrandt Bayou with its meanders to its intersection with the centerline of Taylor's Bayou;

Thence down the centerline of Taylor's Bayou to an intersection with the extension of the common line between T & NO Surveys 279 and 280;

Thence southwardly along the extension of said common line to the northwest corner of T & NO 280 and the northeast corner of T & NO 279;

Thence southerly along the westerly line of the Gulf Oil Corporation reservoir property, as described by deed recorded in Deed Records, Jefferson County Vol. 946, Pg. 461, recorded September 17, 1954, South 1 deg. 43' West 5,686.9 feet to the southwest corner of said property;

Thence easterly along the southerly line of the said Gulf Oil Corporation reservoir property, and along said line as projected South 88 deg. 19' East to the east bank of the joint outfall canal of Drainage Districts 3, 4, 6 and 7;

Thence in a direction approximately S. 44 deg. E. to the southwest corner of Gulf Oil Corporation's Sabine Road Tank Farm;

Thence N. 79 deg. 55' E. along the southboundary fence of Gulf Oil Corporation's Sabine Road Tank Farm to the west right-of-way line of State Highway 87;

Thence N. 11 deg. 57' W. along the west right-of-way line of State Highway 87 to the centerline of Taylor's Bayou;

Thence southerly down the centerline of Taylor's Bayou with its meanders to a point, said point being at the intersection of the centerline of Taylor's Bayou and the extension easterly of the south line of T & NO R.R. Co. Survey 121;

Thence easterly along the extension easterly of the south line of said T & NO R.R. Co. Survey 121 to the top of the left or northeasterly bank of Taylor's Bayou;

Thence southerly following the top of the left or northeasterly bank of Taylor's Bayou with its meanders to its intersection with the top of the westerly bank of the Sabine-Neches Canal;

Thence in a northeasterly direction along the top of westerly bank of said Sabine-Neches Canal with its meanders to its intersection with the top of the south or right bank of the Neches River;

Thence westerly up the top of the south or right bank of the Neches River with its meanders to its intersection with the west line of the James McDaniel Survey, Abstract 169;

Thence south along the west line of said James McDaniel Survey to the northeast corner of the Joseph Turner Survey, Abstract 205;

Thence West along the north line of said Joseph Turner Survey to its northwest corner;

Thence south along the west line of said Joseph Turner Survey to the northeast corner of the J. C. Kucher Survey, Abstract 158;

Thence west along the north line of said J. C. Kucher Survey to its northwest corner;

Thence south along the west line of said J. C. Kucher Survey to the northeast corner of the O. Montee Survey, Abstract 177;

Thence west along the north line of said O. Montee Survey to its northwest corner;

Thence south along the west line of said O. Montee Survey to its intersection with the east right-of-way line of the Kansas City Southern Railroad, formerly known as the Texarkana & Fort Smith Railroad;

Thence in a northwesterly direction along the said east right-of-way line of the Kansas City Southern Railway to the place of beginning."

The Committee Amendment was adopted.

On motion of Senator Fuller and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Record of Vote

Senators Lane and Parkhouse asked to be recorded as voting "Nay" on passage of S. B. No. 53 to engrossment.

#### Senate Bill 53 on Third Reading

Senator Fuller moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 53 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—22

Aikin	Krueger
Baker	Martin
Calhoun	Moore
Colson	Patman
Creighton	Reagan
Crump	Rogers
Dies	Schwartz
Fuller	Secrest
Hazlewood	Smith
Herring	Spears
Kazen	Willis

#### Nays—5

Hardeman	Parkhouse
Lane	Ratliff
Owen	

#### Absent—Excused

Hudson	Roberts
Moffett	Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—21

Aikin	Crump
Baker	Dies
Calhoun	Fuller
Colson	Hazlewood

Herring	Rogers
Kazen	Schwartz
Krueger	Secrest
Martin	Smith
Moore	Spears
Patman	Willis
Reagan	

#### Nays—6

Creighton	Owen
Hardeman	Parkhouse
Lane	Ratliff

#### Absent—Excused

Hudson	Roberts
Moffett	Weinert

#### Notice of Executive Session

Senator Dies gave notice that he would on tomorrow after the Morning Call make a motion for an Executive Session.

#### House Concurrent Resolution 13 Ordered Not Printed

On motion of Senator Ratliff and by unanimous consent H. C. R. No. 13 was ordered not printed.

#### Senate Bill 91 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent S. B. No. 91 was ordered not printed.

#### Recess

On motion of Senator Martin the Senate at 12:16 o'clock p.m. took recess until 2:30 o'clock p.m. today.

#### After Recess

The Senate met at 2:30 o'clock p.m. and was called to order by Senator Aikin.

#### Report of Standing Committee

Senator Colson by unanimous consent submitted the following report:

Austin, Texas,  
January 23, 1962.

Hon. Charles Herring, President Pro Tempore of the Senate:

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 40, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

**Senate Bill 93 on First Reading**

By unanimous consent the following bill was introduced, read first time and referred to the committee indicated:

By Senator Martin:

S. B. No. 93, A bill to be entitled "An Act amending Senate Bill No. 36, Page 544, General Laws of the State of Texas, Forty-sixth Legislature, Regular Session, 1939, as amended by House Bill No. 611, Chapter 562, Page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended, which is codified as Article 695c, Vernon's Texas Civil Statutes, by amending Section 41 of said Article; authorizing payment to vendors of Medical Assistance on behalf of recipients of Public Assistance, as the term is defined in Senate Bill No. 79, Page 858, Acts of the Fifty-seventh Legislature, Regular Session, 1961, and being codified in Vernon's Texas Civil Statutes as Article 695j, in accordance with the rules and regulations promulgated by the State Department of Public Welfare, while such recipients are temporarily visiting outside of the State; providing a repealing clause; a saving clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

**Message from the House**

Hall of the House of Representatives  
Austin, Texas,  
January 23, 1962.

Hon. Charles Herring, President Pro Tempore of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 19. The House has appointed the following conferees: Gladden, Richardson, Cowen, Green and Shannon.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Senate Bills on First Reading**

By unanimous consent the following bills were introduced, read first

time and referred to the committees indicated:

By Senators Hardeman and Herring

S. B. No. 94, A bill to be entitled "An Act providing for improvements, construction, equipment, designation of buildings, landscaping and related actions in the Capitol Area; providing for the planning, construction, equipping and operation of a parking garage in the Capitol Area and for incorporation of an emergency control center if feasible; authorizing the State Building Commission, the Texas Employment Commission and the State Board of Control to make inter-agency agreements to carry out the purposes of this Act; authorizing the State Building Commission to landscape and provide walks and passageways on the Capitol grounds adjoining the new State Insurance Building, to move usable buildings acquired in the Capitol Area purchasing program and purchase additional lots, to replace obsolete heating and cooling equipment in the Executive Mansion, and to name certain buildings in the Capitol Area; authorizing the State Board of Control to cooperate with the State Building Commission in such matters and to replace granite capstones at entrances of the Capitol grounds; providing funds for such purposes; and declaring an emergency."

To the Committee on State Affairs.

By Senators Krueger and Schwartz:

S. B. No. 95, A bill to be entitled "An Act authorizing the sale or lease of certain tracts of land located in Matagorda County comprising the camp site of Camp Hulén; providing that the governing body of the City of Palacios shall be agent of the State of Texas for the purpose of consummating the sale or lease of such property; prescribing the powers, duties and authority in relation thereto of the governing body of the City of Palacios; prescribing the terms and conditions of such sale or lease and making other provisions relating thereto; providing for the compensation to the City of Palacios for acting as agent; providing for the deposit of revenues derived therefrom in the State Treasury for the use and benefit of the Texas National Guard Armory Board; providing for the purposes for which such proceeds may be expended;

making other provisions relating thereto; providing for severability clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### House Concurrent Resolution 13 on Second Reading

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 13, Granting permission to the City of Big Spring, Texas, to sue the State of Texas, the Board of Control of the State of Texas, and the Board for Texas State Hospitals and Special Schools.

The resolution was read and was adopted.

#### Message from the Governor

The following message received from the Governor was read and filed with the Secretary of the Senate:

January 23, 1962.

To the Members of the 57th Legislature, Third Called Session:

In addition to the subject of parking facilities heretofore submitted there are several other items which are necessary for improvements in the Capitol Area and naming certain buildings. Therefore I submit the entire subject of construction, improvements, equipment, designation of buildings, landscaping and acquisition of property in the Capitol Area.

I also submit the subjects of medical, hospital and funeral expenses of certain Board of Control employees; and legislation relating to the Unemployment Compensation Act as it affects distributive education and industrial cooperative program students.

Respectfully submitted,  
PRICE DANIEL,  
Governor.

#### Local and Uncontested Bills Session

The Presiding Officer announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with a motion previously adopted by the Senate.

#### Senate Bill 68 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 68, A bill to be entitled "An Act prohibiting the possession or use of any seine, net, or trawl in or around the waters of Lake Houston in Harris County; providing for the use of certain tackle for catching bait in such waters; providing a penalty for the violation of any provision of this Act; granting the Game and Fish Commission the power to seize and hold certain tackle as evidence; repealing all laws or parts of laws in conflict, with certain exceptions; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 68 on Third Reading

Senator Baker moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 68 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

#### Absent—Excused

Moffett	Weinert
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

#### Yeas—28

Aikin	Baker
-------	-------

Calhoun	Martin
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Hardeman	Reagan
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis

Absent—Excused

Moffett	Weinert
Roberts	

**Senate Bill 69 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 69, A bill to be entitled "An Act amending Article 4623, R.C.S. of Texas, 1925, as amended by Chapter 407, S. B. No. 24, Acts 55th Legislature of Texas, R. S., 1957, by adding thereto a provision that a wife shall never be the joint maker of a note or a surety on any bond or obligation of another without the joinder of her husband with her in making such contract; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Record of Vote**

Senator Spears asked to be recorded as voting "Nay" on passage of S. B. No. 69 to engrossment.

**Senate Bill 69 on Third Reading**

Senator Baker moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 69 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Fuller
Baker	Hardeman
Calhoun	Hazlewood
Colson	Herring
Creighton	Hudson
Crump	Kazen
Dies	Krueger

Lane	Reagan
Martin	Rogers
Moore	Schwartz
Owen	Secrest
Parkhouse	Smith
Patman	Willis
Ratliff	

Nays—1

Spears

Absent—Excused

Moffett	Weinert
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—27

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Nays—1

Spears

Absent—Excused

Moffett	Weinert
Roberts	

**Senate Bill 38 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 38, A bill to be entitled "An Act validating, ratifying, approving and confirming bonds heretofore authorized by any Home Rule City in the State of Texas, for the purpose of providing street and drainage improvements, or for the purpose of constructing new fire stations, and any and all proceedings pertaining to the authorization and issuance thereof; and authorizing the issuance, sale and delivery of such bonds; etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

### Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on passage of S. B. No. 38 to engrossment.

### Senate Bill 38 on Third Reading

Senator Creighton moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 38 be placed on its third reading and final passage.

The motion prevailed by the following vote:

### Yeas—26

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

### Nays—2

Hardeman	Owen
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### Absent—Excused

Moffett	Weinert
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

### Yeas—26

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

### Nays—2

Hardeman	Owen
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### Absent—Excused

Moffett	Weinert
Roberts	

### Senate Bill 72 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 72, A bill to be entitled "An Act conveying whatever right title or interest the State of Texas may have in certain lands to the City of Mineral Wells; and declaring an emergency."

The bill was read second time and was passed to engrossment.

### Senate Bill 72 on Third Reading

Senator Creighton moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 72 be placed on its third reading and final passage.

The motion prevailed by the following vote:

### Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

### Absent—Excused

Moffett	Weinert
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

### Yeas—28

Aikin	Baker
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Calhoun	Martin
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Hardeman	Reagan
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis

Absent—Excused

Moffett	Weinert
Roberts	

**Senate Bill 23 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 23, A bill to be entitled "An Act amending Section 9 of Chapter 136, Acts of the 42nd Legislature, Regular Session, 1941, to allow the County Judge of Travis County to sit and act for the Judge of the County Court at Law of Travis County in the event of his absence or incapacity; and declaring an emergency."

The bill was read second time.

Senator Herring offered the following amendment to the bill:

Amend Senate Bill No. 23 by adding a new sentence to immediately follow the last sentence of paragraph (b) of Sec. 9 to read as follows:

"Provided the County Judge shall not have such authority unless he is a regularly licensed attorney at law in this State."

The amendment was read and was adopted.

On motion of Senator Herring and by unanimous consent the caption was amended to conform to the body of the bill.

The bill as amended was passed to engrossment.

**Senate Bill 23 on Third Reading**

Senator Herring moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and

that S. B. No. 23 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

Absent—Excused

Moffett	Weinert
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

Absent—Excused

Moffett	Weinert
Roberts	

**Senate Bill 27 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 27, A bill to be entitled "An Act enabling any city or town to enter into a contract or contracts with corporation operating without profit for the acquisition or construc-

tion of public buildings or other public improvements; prescribing the methods or payment by such city or town; permitting the lease of property of the city or town to such corporations for construction of such facilities; authorizing such city or town to operate such facilities of so provided in such contract or contracts; containing a severability clause; enacting other provisions related to the subject; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 27 on Third Reading

Senator Owen moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 27 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

#### Absent—Excused

Moffett	Weinert
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

#### Yeas—28

Aikin	Fuller
Baker	Hardeman
Calhoun	Hazlewood
Colson	Herring
Creighton	Hudson
Crump	Kazen
Dies	Krueger

Lane	Reagan
Martin	Rogers
Moore	Schwartz
Owen	Secrest
Parkhouse	Smith
Patman	Spears
Ratliff	Willis

#### Absent—Excused

Moffett	Weinert
Roberts	

#### Senate Bill 41 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 41, A bill to be entitled "An Act relating to and fixing minimum and maximum salary of the official Shorthand Reporter for the 143rd Judicial District of Texas; with saving clause; and declaring an emergency."

The bill was read second time.

Senator Owen offered the following amendment to the bill:

Amend Senate Bill No. 41 as follows:

Amend Section 1 and Section 2 and 3 of Senate Bill No. 41 in inserting between the words "the" and figures "143" the following:

"142nd Judicial District of Texas composed of Midland County, and the"

The amendment was adopted.

On motion of Senator Owen and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 41 on Third Reading

Senator Owen moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 41 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Calhoun
Baker	Colson

Creighton	Moore
Crump	Owen
Dies	Parkhouse
Fuller	Patman
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Spears
Martin	Willis

Absent—Excused

Moffett	Weinert
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

Absent—Excused

Moffett	Weinert
Roberts	

**Senate Bill 54 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 54, A bill to be entitled "An Act repealing Chapter 32, Acts of the 57th Legislature, First Called Session, 1961; etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 54 on Third Reading**

Senator Owen moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that

S. B. No. 54 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

Absent—Excused

Moffett	Weinert
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

Absent—Excused

Moffett	Weinert
Roberts	

**Senate Bill 71 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 71, A bill to be entitled "An Act amending Section 3 of Chapter 10, Acts of the 57th Legislature, First Called Session, 1961, so as to authorize the State Parks Board to

grant concessions to certain concessioners to charge for the use of a pier to be constructed in Lavaca Bay; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 71 on Third Reading

Senator Patman moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 71 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

#### Absent—Excused

Moffett	Weinert
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

#### Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

#### Absent—Excused

Moffett	Weinert
Roberts	

#### Committee Substitute Senate Bill 45 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 45, A bill to be entitled "An Act authorizing Home-Rule cities having a population in excess of 60,000 and bordering on the Gulf of Mexico having beaches suitable for park purposes to establish a Beach Park Board of Trustees; requiring an election on the establishment of such Board; providing for the organization, and prescribing the powers and functions, of such Board; containing a severability clause; and declaring an emergency."

The bill was read second time.

Senator Schwartz offered the following committee amendment to the bill:

Amend Committee Substitute for Senate Bill No. 45 by striking out Section 8 thereof and renumbering the sections which follow.

The committee amendment was adopted.

On motion of Senator Schwartz and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Committee Substitute Senate Bill 45 on Third Reading

Senator Schwartz moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 45 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Hazlewood
Baker	Herring
Calhoun	Hudson
Colson	Kazen
Creighton	Krueger
Crump	Lane
Dies	Martin
Fuller	Moore
Hardeman	Owen

Parkhouse	Schwartz
Patman	Secrest
Ratliff	Smith
Reagan	Spears
Rogers	Willis

Absent—Excused

Moffett	Weinert
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

Absent—Excused

Moffett	Weinert
Roberts	

**Senate Bill 48 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 48, A bill to be entitled "An Act amending Section 14 of Chapter 291, Acts of the 57th Legislature, Regular Session, 1961, which amended Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, providing additional terms of court, and providing that the county commissioner may change the terms of court whenever it may be necessary; and declaring an emergency."

The bill was read second time.

Senator Schwartz offered the following amendment to the bill:

Amend Senate Bill No. 48 by striking all below the enacting clause and substituting in lieu therefor the following:

Section 1. Section 4 of Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, as amended by Section 1, Chapter 291, Acts of the 57th Legislature, Regular Session, 1961, is amended to read as follows:

"Sec. 4. All cases over which the Juvenile and County Court No. 2 has jurisdiction may be instituted in or transferred to the Juvenile and County Court No. 2. The county judge and the district judges of Galveston County may transfer to the Juvenile and County Court No. 2 all cases pending in their respective courts of which the court has jurisdiction, including all filed papers and certified copies of all orders theretofore entered in said cases, with the consent of the judge of the Juvenile and County Court No. 2.

All cases and matters over which the Juvenile and County Court No. 2 is given jurisdiction may be transferred by the judge thereof to the county or district courts having jurisdiction under the laws of this State, with the consent of the judge of the court concerned. All cases and matters over which the Juvenile and County Court No. 2 and the county court of Galveston County have concurrent jurisdiction and over which the district courts also have jurisdiction may be transferred to one of the district courts of Galveston County with the consent of the judge thereof.

Provided that the judge of the County Court and the judge of the Juvenile and County Court No. 2 shall have authority to transfer any case pending for trial from the docket of such court to the docket of such other court, and during the absence, illness, or inability of either Judge to preside in his own court the Judge of the other court shall be and is hereby authorized to act for such Judge absent for any of the above reasons in the trial or other disposition of cases on the docket of such other court.

All writs or process issued by a court prior to the time any case is transferred shall be returned and filed in the court to which the case is transferred and shall be as valid and binding upon the parties to such transferred case as though such writ or process had been issued out of the court to which transferred, and all waivers of process and other instruments executed prior to the transfer of any case shall also be as valid and

binding as though executed after such transfer."

Sec. 2. Section 9 of Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, as amended by Section 1, Chapter 291, Acts of the 57th Legislature, Regular Session, 1961, is amended to read as follows:

"Sec. 9. In the event of a vacancy, for any reason, in the office of judge of the Juvenile and County Court No. 2 such vacancy shall be filled by appointment as provided by law relating to county courts. The judge so appointed shall hold office until the next general election and until his successor is elected and qualified."

Section 3. Section 14 of Chapter 291, Acts of the 57th Legislature, Regular Session, 1961, which amended Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, is amended to read as follows:

"Sec. 14. The Juvenile and County Court No. 2 of Galveston County shall hold at least four (4) terms for both civil and criminal business annually, and such other terms each year as may be fixed by the commissioners court. After having fixed the times and number of terms of the Juvenile and County Court No. 2 of Galveston County, the commissioners court shall not change the same until the expiration of one (1) year. Until otherwise provided by the commissioners court, the term of the Juvenile and County Court No. 2 of Galveston County shall be held on the first Monday in March, June, September and December.

Sec. 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 5. All laws or parts of laws in conflict with the provisions of this Act are repealed to the extent of such conflict only.

Sec. 6. The importance of this legislation and the crowded condition of the calendar in both houses, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

Senator Schwartz offered the following amendment:

Amend Senate Bill No. 48 by striking all above the enacting clause and substituting in lieu therefore the following caption:

#### A BILL

#### To Be Entitled

AN ACT amending Sections 4, 9 and 14 of Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, as amended by Section 1, Chapter 291, Acts of the 57th Legislature, Regular Session, 1961; relating to the authority of judges of County Court and Juvenile and County Court No. 2 of Galveston County to transfer cases and to act for each other under given circumstances; and relating to the filling of vacancies on and the terms of the Juvenile and County Court No. 2; and declaring an emergency.

The amendment was adopted.

The bill as amended was passed to engrossment.

#### Senate Bill 48 on Third Reading

Senator Schwartz moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 48 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

Absent—Excused

Moffett	Weinert
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

## Absent—Excused

Moffett	Weinert
Roberts	

## Senate Bill 47 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 47, A bill to be entitled "An Act repealing Section 2 of Chapter XCIV, Acts of the 26th Legislature, 1899; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 47 on Third Reading

Senator Schwartz moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 47 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Herring
Baker	Hudson
Calhoun	Kazen
Colson	Krueger
Creighton	Lane
Crump	Martin
Dies	Moore
Fuller	Owen
Hardeman	Parkhouse
Hazlewood	Patman

Ratliff	Secrest
Reagan	Smith
Rogers	Spears
Schwartz	Willis

## Absent—Excused

Moffett	Weinert
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

## Absent—Excused

Moffett	Weinert
Roberts	

## Senate Bill 57 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 57, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, to be known as Brazoria County Water Control and Improvement District—Brushy Meadows; declaring District a governmental agency, body politic and corporate; etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 57 on Third Reading

Senator Schwartz moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 57 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

## Absent—Excused

Moffett	Weinert
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

## Absent—Excused

Moffett	Weinert
Roberts	

## Senate Bill 49 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 49, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, to be known as Galveston County Water Control & Improvement District—Crystal Beach; declaring District a governmental

agency, body politic and corporate; etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 49 on Third Reading

Senator Schwartz moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 49 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Lane
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

## Absent—Excused

Martin	Weinert
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

## Absent—Excused

Moffett	Weinert
Roberts	

**Senate Bill 84 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 84, A bill to be entitled "An Act amending Article 182A, Acts 1951, 52nd Leg., Page 1097, Chapter 492, as amended by Acts 1954, 53rd Leg., First Called Session, Page 85, Chapter 36, Section 1, codified as Article 13.04A Vernon's Texas Election Code, by changing the provision relating to counties having a population in excess of eight hundred thousand (800,000) inhabitants to apply to counties having a population in excess of six hundred thousand (600,000) inhabitants; and declaring an emergency."

The bill was read second time.

Senator Hazlewood offered the following amendment to the bill:

Amend Senate Bill No. 84 by Spears by adding the following words and language to Section 1 thereof, paragraph three, immediately after the words "six hundred thousand (600,000) inhabitants," and before the words "according to the last preceding Federal Census," to-wit:

and in counties in which there is a city containing more than one hundred thousand (100,000) inhabitants partially located in two counties,"

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Senate Bill No. 84 by adding a new Section thereto, properly numbered, between the first and second Sections thereof to read as follows:

"Sec. —. If any section, subsection, sentence, clause, phrase, word, or part of this Act or the applications thereof are for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this Act; and the Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause, phrase, word, or part thereof despite the fact that one or more section, subsection, sentence, clause, phrase, word, or part thereof be declared unconstitutional."

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Senate Bill No. 84 by Spears, the second paragraph in Section 1, by adding immediately after the words and language "Art. 13.04A. Voting places of political parties in counties of 600,000 population" the following language immediately following the word "population," to-wit:

"and in counties in which there is a city containing more than one hundred thousand (100,000) inhabitants partially located in two counties."

The amendment was adopted.

Senator Willis offered the following amendment to the bill:

Amend S. B. No. 84 by striking out the words and figures "Six hundred thousand (600,000) wherever they appear in said bill and inserting in lieu thereof the following words and figures:

"Five hundred thousand (500,000)."

The amendment was adopted.

On motion of Senator Hazlewood and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**Senate Bill 84 on Third Reading**

Senator Spears moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 84 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

## Absent—Excused

Moffett                      Weinert  
Roberts

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

## Absent—Excused

Moffett                      Weinert  
Roberts

Senate Concurrent Resolution 17  
on Second Reading

The Presiding Officer laid before the Senate on its second reading the following resolution:

S. C. R. No. 17, Granting Oswald C. Bryan et al. permission to sue the State of Texas.

The resolution was read and was adopted.

Senate Concurrent Resolution 15  
on Second Reading

The Presiding Officer laid before the Senate on its second reading the following resolution:

S. C. R. No. 15, Granting permission to Walter F. Myers to sue the State of Texas.

The resolution was read.

Question on adoption of the resolution, Yeas and Nays were demanded.

The resolution was adopted by the following vote:

## Yeas—28

Aikin	Calhoun
Baker	Colson

Creighton	Moore
Crump	Owen
Dies	Parkhouse
Fuller	Patman
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Spears
Martin	Willis

## Absent—Excused

Moffett                      Weinert  
Roberts

Senate Concurrent Resolution 14  
on Second Reading

The Presiding Officer laid before the Senate on its second reading the following resolution:

S. C. R. No. 14, Granting permission to R. A. Coale to sue the State of Texas.

The resolution was read.

Question on adoption of the resolution, Yeas and Nays were demanded.

The resolution was adopted by the following vote:

## Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

## Absent—Excused

Moffett                      Weinert  
Roberts

## House Bill 52 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 52, A bill to be entitled "An Act validating all school districts, including all types of junior and regional college districts, etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

### House Bill 52 on Third Reading

Senator Creighton moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 52 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

Nays—2

Hardeman Owen

Absent—Excused

Moffett Weinert  
Roberts

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—26

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

Nays—2

Hardeman Owen

Absent—Excused

Moffett Weinert  
Roberts

### Bills and Resolution Added to Local and Uncontested Bills Calendar

On motion of Senator Martin and by unanimous consent the following bills and resolution were added to the Local and Uncontested Bills Calendar: S. B. Nos. 52, 81, 66, 46, 88 and 91 and H. B. No. 39 and H. C. R. No. 12.

### House Concurrent Resolution 12 on Second Reading

The Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 12, Granting permission to Sam McCollum III to sue the State of Texas and the Veterans Land Board.

The resolution was read and was adopted.

### Senate Bill 52 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 52, A bill to be entitled "An Act amending Section 1 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as amended, to include the wildlife resources of Kimble and Schleicher Counties within the regulatory authority of the Game and Fish Commission; and declaring an emergency."

The bill was read second time and was passed to engrossment.

### Senate Bill 52 on Third Reading

Senator Crump moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 52 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Dies
Baker	Fuller
Calhoun	Hazlewood
Colson	Herring
Creighton	Hudson
Crump	Kazen

Krueger	Reagan
Lane	Rogers
Martin	Schwartz
Moore	Secrest
Owen	Smith
Parkhouse	Spears
Patman	Willis
Ratliff	

Nays—1

Hardeman

Absent—Excused

Moffett	Weinert
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—27

Aikin	Martin
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis
Lane	

Nays—1

Hardeman

Absent—Excused

Moffett	Weinert
Roberts	

**Senate Bill 81 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 81, A bill to be entitled "An Act to carry into effect Section 62, Sub-section a, Article XVI, of the Constitution of Texas, relating to establishment of a retirement, disability, and death compensation fund for officers and employes of the state, by providing such benefits to elective state officials holding office in this state."

The bill was read second time and was passed to engrossment.

**Senate Bill 81 on Third Reading**

Senator Herring moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 81 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

Absent—Excused

Moffett	Weinert
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

Absent—Excused

Moffett	Weinert
Roberts	

**Senate Bill 66 on Second Reading**

The Presiding Officer laid before

the Senate on its second reading and passage to engrossment:

S. B. No. 66, A bill to be entitled "An Act amending Article 1903, Revised Civil Statutes of Texas, 1925, so as to provide procedure for determining whether or not there shall be nominees for election to the office of joint clerk for the county and district court or nominees for the separate offices of district clerk and county clerk in all counties having a population of less than eight thousand (8,000) according to the last preceding Federal census; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 66 on Third Reading

Senator Rogers moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 66 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

Absent—Excused

Moffett	Weinert
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28

Aikin	Creighton
Baker	Crump
Calhoun	Dies
Colson	Fuller

Hardeman	Parkhouse
Hazlewood	Patman
Herring	Ratliff
Hudson	Reagan
Kazen	Rogers
Krueger	Schwartz
Lane	Secrest
Martin	Smith
Moore	Spears
Owen	Willis

Absent—Excused

Moffett	Weinert
Roberts	

#### House Bill 39 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 39, A bill to be entitled "An Act amending paragraph (c) of Section 2 of Chapter 88, General Laws of the Forty-first Legislature, Second Called Session, 1929, as amended (Compiled as Article 6675a-2, Vernon's Texas Civil Statutes), so as to provide that owners of certain construction machinery used for certain purposes and under certain conditions although required to register shall pay an annual registration fee of Five Dollars (\$5) instead of the regular registration fee; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 39 on Third Reading

Senator Rogers moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 39 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Kazen
Baker	Krueger
Calhoun	Lane
Colson	Martin
Creighton	Moore
Crump	Owen
Dies	Parkhouse
Fuller	Patman
Hazlewood	Ratliff
Herring	Reagan
Hudson	Rogers

Schwartz  
Secrest  
Smith

Spears  
Willis

Present—Not Voting

Hardeman

Absent—Excused

Moffett  
Roberts

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Martin
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis
Lane	

Present—Not Voting

Hardeman

Absent—Excused

Moffett  
Roberts

Weinert

#### Senate Bill 46 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 46, A bill to be entitled "An Act validating the action of certain junior college districts relating to the conduct of bond elections, validating bonds issued and to be issued, bond taxes and maintenance taxes and providing this Act shall have no application to litigation now pending questioning the matters hereby validated, providing such litigation or proceedings are ultimately determined against the validity of matters hereby validated; providing a savings clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 46 on Third Reading

Senator Calhoun moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 46 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

Nays—2

Hardeman

Owen

Absent—Excused

Moffett  
Roberts

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—26

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

Nays—2

Hardeman

Owen

Absent—Excused

Moffett  
Roberts

Weinert

**Senate Bill 88 on Second Reading**

Senator Moore moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 88 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

**Absent—Excused**

Moffett	Weinert
Roberts	

The Presiding Officer then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 88, A bill to be entitled "An Act constituting a local law for the maintenance of public roads and highways in Robertson County by authorizing the county to issue certificates of indebtedness for certain stated purposes; stating terms and conditions of issuance; requiring the levy of a tax to pay such certificates; authorizing the refunding of said certificates; enacting other provisions relating to the subject; containing a severability clause; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

**Senate Bill 88 on Third Reading**

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid S. B. No. 88 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

**Yeas—28**

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

**Absent—Excused**

Moffett	Weinert
Roberts	

**Senate Bill 91 on Second Reading**

Senator Schwartz moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 91 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

**Absent—Excused**

Moffett	Weinert
Roberts	

The Presiding Officer laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 91, A bill to be entitled "An Act amending Senate Bill No.

136, Acts of the 57th Legislature, State of Texas, Regular Session, 1961, to fix and make certain the amount of compensation to be paid from County funds to the District Judges of the 10th, 56th and 122nd District Courts of Galveston County by the Commissioners Court of Galveston County in addition to the compensation paid by the State of Texas; prohibiting, however, the payment of any salary by Galveston County in excess of the compensation provided by this Act; providing the time and method of payment; authorizing amendment of the budget; providing that if any portion of this Act is unconstitutional, it shall not affect the remainder thereof; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

#### Senate Bill 91 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid S. B. No. 91 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

#### Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

#### Absent—Excused

Moffett	Weinert
Roberts	

#### Senate Bill 79 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 79, A bill to be entitled "An Act validating Wise County Water Control and Improvement District No. 1; validating the boundaries of

said District; validating all actions, orders, or other proceedings in connection with its creation, organization and operation; validating all actions, orders or other proceedings relating to the calling, conducting and declaring the results of any confirmation election, or bond election; validating all bonds heretofore voted; validating the apointment or election of Directors; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 79 on Third Reading

Senator Creighton moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 79 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—26

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis

#### Nays—2

Hardeman	Owen
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#### Absent—Excused

Moffett	Weinert
Roberts	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

#### Yeas—26

Aikin	Fuller
Baker	Hazlewood
Calhoun	Herring
Colson	Hudson
Creighton	Kazen
Crump	Krueger
Dies	Lane

Martin	Rogers
Moore	Schwartz
Parkhouse	Secrest
Patman	Smith
Ratliff	Spears
Reagan	Willis

Nays—2

Hardeman	Owen
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Absent—Excused

Moffett	Weinert
Roberts	

**Conclusion of Local and Uncontested Bills Calendar Session**

The Presiding Officer announced the conclusion of the Session for the consideration of the Local and Uncontested Bills Calendar.

(President Pro Tempore in the Chair.)

**Leave of Absence**

Senator Spears was granted leave absence for the remainder of the day today on account of important business on motion of Senator Kazen.

**Motion to Place Senate Bill 25 on Second Reading**

Senator Kazen asked unanimous consent to suspend the regular order of business and take up S. B. No. 25 for consideration at this time.

There was objection.

Senator Kazen then moved to suspend the regular order of business and take up S. B. No. 25 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—7

Colson	Kazen
Crump	Owen
Hazlewood	Schwartz
Herring	

Nays—14

Aikin	Parkhouse
Calhoun	Patman
Creighton	Ratliff
Hardeman	Reagan
Krueger	Rogers
Lane	Smith
Martin	Willis

**Absent**

Baker	Hudson
Dies	Moore
Fuller	Secrest

Absent—Excused

Moffett	Spears
Roberts	Weinert

**Reports of Standing Committees**

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 95, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
January 23, 1962.

Hon. Charles F. Herring President Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 93, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

**Senate Bill 95 Ordered Not Printed**

On motion of Senator Krueger and by unanimous consent S. B. No. 95 was ordered not printed.

**Senate Bill 93 Ordered Not Printed**

On motion of Senator Martin and by unanimous consent S. B. No. 93 was ordered not printed.

**Senate Bill 34 on Second Reading**

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 34, A bill to be entitled "An Act to provide for the registration and protection of trademarks and service marks, to define certain

terms, to define marks registrable and marks not registrable, to define the requirements for an application for registration, to instruct the Secretary of State as to handling of applications for registration and issuance of certificates of registration, to define the rights and privileges descendent from a registration of a mark, to constitute a registration of a mark as constructive notice of a claim of ownership, etc., and declaring an emergency."

The bill was read second time and passed to engrossment

#### Senate Bill 34 on Third Reading

Senator Martin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 34 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—23

Aikin	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Willis
Lane	

#### Present—Not Voting

Rogers

#### Absent

Baker	Hudson
Hazlewood	

#### Absent—Excused

Moffett	Spears
Roberts	Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Bill 35 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular

order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 35, A bill to be entitled "An Act amending Chapter 318, Acts of the 51st Legislature, Regular Session, 1949, as amended, codified as Article 5421m, Vernon's Texas Civil Statutes, and Article 3.50 of the Insurance Code of the State of Texas, Acts 55th Legislature, 1957, page 801, Ch. 336, as amended, by adding thereto new sections so as to authorize the Veterans' Land Board to enter into a master agreement with one or more life insurance companies to provide mortgage cancellation life insurance coverage for purchasers indebted to the Veterans' Land Board; prescribing administration, powers and duties; prescribing certain limitations; and declaring an emergency."

The bill was read second time.

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 35 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Chapter 318, Acts of the 51st Legislature, Regular Session, 1949, codified as Article 5421m, Vernon's Texas Civil Statutes, is amended by adding thereto a new section to read as follows:

"Section 16(B). The Board may enter into a master contract or agreement with one or more life insurance companies authorized to do business in Texas to provide group life insurance coverage cancelling upon death the indebtedness due the Board of persons purchasing land under the Texas Veterans' Land Program. Such contract shall not prohibit cancellation by the insurer of the entire contract upon reasonable notice to the Board but shall prohibit cancellation of individual coverage except as herein after expressly authorized. The master contract or agreement shall provide, in addition to those provisions of Article 3.50 of the Insurance Code of the State of Texas, that the life insurance coverage will be offered by the writing insurance company or companies to all such persons without a physical examination and that no such person shall be denied coverage because he is disabled

at the time of application for such coverage. The policy contract shall express and control the contractual relationship between all parties thereto and shall be approved by the State Board of Insurance in accordance with the provisions of the Insurance Code of Texas, as amended. It shall not be mandatory that any person purchasing land under the Texas Veterans' Land Program accept the offer of such coverage, and refusal by such person to accept the offer of such coverage shall not be a ground for the Board to decline to enter into a contract of sale and purchase with any such person. Such coverage shall be terminated as to any person of the group upon: (1) the satisfaction of the indebtedness due the Board; or (2) upon the Board's approval of a transfer of interest in the land being purchased from the Board; or (3) upon failure to make timely payment of the premium to be paid for such coverage; or (4) upon the insureds' attaining the age of sixty-five (65) years. When coverage has been terminated as to any member of the group for failure to make timely payment of the premium, renewal of coverage shall be automatic upon payment of the premium due plus any penalty that may be provided. The total insurance coverage as to any person of the group shall not at any time exceed the indebtedness due the Board. The Board may collect, or provide for the collection of, the premium for such coverage in any reasonable manner. If the death of a person of the group occurs while the insurance coverage is in force, the benefits of such coverage shall be paid to the Veterans' Land Board for credit to the Veterans' Land Fund and shall cancel the indebtedness due the Board.

"The following words and phrases shall for the purposes of Section 16(B) of this Act have the meaning indicated:

a. 'persons purchasing land under the Texas Veterans' Land Program' shall mean any person or persons, and his or their successors or assigns, who are buying land from the Veterans' Land Board under contract of sale and purchase, whether such land has been sold by the Board under Section 12, Section 16, or Section 19(A) of this Act.

b. 'person of the group' shall mean any person purchasing land under the Texas Veterans' Land Program,

as defined above, who has elected to accept the offer of the insurance coverage provided for in Section 16(B) of this Act.

c. 'the indebtedness due the Board' shall mean the principal and interest thereon necessary to pay in full the obligation set forth in any contract of sale and purchase under which any person of the group, as defined above, is purchasing land from the Veterans' Land Board, exclusive of delinquent principal, interest, and penalties."

Section 2. Article 3.50, Section 1, of the Insurance Code of the State of Texas, as amended, is hereby amended by adding a new subsection after Subsection 6, said new subsection to be known as subsection 7, and Section 1, of said Article 3.50 of the Insurance Code of the State of Texas, as amended, shall hereafter read as follows:

"Section 1. Definitions—No policy of group life insurance shall be delivered in this State unless it conforms to one of the following descriptions:

(1) A policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

(a) The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof determined by conditions pertaining to their employment. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietors or partnerships if the business of the employer and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise. The policy may provide that the term "employees" shall include the individual proprietor or partners if the employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include retired employees.

(b) The premium for the policy shall be paid by the policyholder, either wholly from the employer's fund or funds contributed by him or partly from such funds and partly

from funds contributed by the insured employees. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured employees. A policy on which part of the premium is to be derived from funds contributed by the insured employees may be placed in force only if at least seventy-five (75%) per cent of the then eligible employees, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy must cover at least ten (10) employees at date of issue.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the employer or trustees. No policy may be issued which provides insurance on any employee which together with any other insurance under any group life insurance policies issued to the employer or to the trustees of a fund established by the employer exceeds Twenty Thousand Dollars (\$20,000.00), unless one hundred and fifty per cent (150%) of the annual compensation of such employee from his employer or employers exceeds Twenty Thousand Dollars (\$20,000.00), in which event all such term insurance shall not exceed Forty Thousand Dollars (\$40,000.00), or one hundred and fifty per cent (150%) of such annual compensation, whichever is the lesser, except that this limitation shall not apply to group insurance on other than the term plan where such insurance is to be used to fund the benefits under a pension plan and the amount of such insurance does not exceed that required to provide at normal retirement date the pension specified by the plan, and except that a group policy which is issued by the same or another carrier to replace another group policy may provide term insurance not to exceed the amounts provided by the policy which it replaces, or the amounts provided above, whichever are greater.

(2) A policy issued to a labor union, which shall be deemed the employer and policyholder, to insure the members of such union who are ac-

tively engaged in the same occupation and who shall be deemed to be the employees of such union within the meaning of this article.

(3) A policy issued to any association of employees of the United States Government or any subdivision thereof, provided the majority of the members of such association are residents of this state, an incorporated city, town or village, an independent school district, common school district, state colleges or universities, any association of state employees, any association of state, county and city, town or village employees, and any association of any combination of state, county or city, town or village employees and any department of the state government which employer or association shall be deemed the policyholder to insure the employees of any such incorporated city, town or village, of any such independent school district, of any common school district, of any such state college and university, of any such department of the state government, members of any association of state, county or city, town or village or of the United States Government or any subdivision thereof, provided the majority of such employees reside in this state, employees for the benefit of persons other than the policyholder subject to the following requirements:

(a) The employees eligible for insurance under the policy shall be all of the employees of the employer or all of any class or classes thereof determined by conditions pertaining to their employment.

(b) The premium for the policy shall be paid by the policyholder wholly from funds contributed by the insured employees, provided, however, that any moneys or credits received by or allowed to the policyholder pursuant to any participation agreement contained in or issued in connection with the policy shall be applied to the payment of future premiums and to the pro rata abatement of the insured employees contributions therefor; and provided further, that the employer may deduct from the employees salaries the required contributions for the premiums when authorized in writing by the respective employees so to do; and provided further, the premium for the policy may be paid by the policyholder wholly or partly from funds contributed by any incorporated city, town or village policyholder when authorized by the charter

of such city, town or village, or by any independent school district in counties having a population of over one hundred fifty thousand (150,000) according to the most recent United States Government census. Such policy may be placed in force only if at least seventy-five percent (75%) of the eligible employees, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required premium contributions and become insured thereunder.

(c) The policy must cover at least ten (10) employees at date of issue.

(4) A policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditor, subject to the following requirements:

(a) The debtors eligible for insurance under the policy shall all be members of a group of persons numbering not less than fifty (50) at all times, who became borrowers, or purchasers of securities, merchandise or other property under agreement to repay the sum borrowed or to pay the balance of the price of the securities, merchandise or other property purchased to the extent of their respective indebtedness, or the face amount of any loan or loan commitment, totally or partially executed, made to a debtor with seasonal income by a creditor in good faith for general agricultural or horticultural purposes, secured or unsecured, where the debtor becomes personally liable for the payment of such loan, but not to exceed Ten Thousand Dollars (\$10,000.00) on any one life.

(b) The premium for the policy shall be paid by the policyholder, either from the creditor's funds or from charges collected from the insured debtors, or both.

(c) The insurance issued shall not include annuities or endowment insurance.

(d) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment; provided that in the case of a debtor with seasonal income, under a loan or loan commitment for general agricultural or horticultural purposes of the type described in paragraph (a), the insurance in excess of the indebtedness to the creditor, if any shall be payable to the estate of the debtor or under the provision of a facility of payment clause.

(5) A policy issued to the trustees of a fund established by two or more employers in the same industry or by one or more labor unions, or to the trustees of a fund established by one or more employers in the same industry and one or more labor unions, or by one or more employers and one or more labor unions whose members are in the same or related occupations or trades, which trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions for the benefit of persons other than the employers of the union, subject to the following requirements:

(a) The persons eligible for insurance shall be all of the employees of the employers and the employees of the trade association of such employers or all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or both. The policy may provide that the term "employees" shall include retired employees, and the individual proprietor or partners of an employer is an individual proprietor or a partnership. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

(b) The premium for the policy shall be paid by the trustees wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both, or, partly from such funds and partly from funds contributed by the insured persons, except that in no event shall the contribution by an insured person toward the cost of his insurance exceed forty cents per thousand per month. A policy on which part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance may be placed in force only if of the then eligible persons of each at least seventy-five per cent (75%)

participating employer unit, excluding any as to whom evidence of insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance must insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy must cover at date of issue at least one hundred (100) persons; unless the policy is issued to the trustees of a fund established by employers which have assumed obligations through a collective bargaining agreement and are participating in the fund either pursuant to those obligations with regard to one or more classes of their employees which are encompassed in the collective bargaining agreement or as a method of providing insurance benefits for other classes of their employees, or unless the policy is issued to the trustees of a fund established by one or more labor unions.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder or employer. No policy may be issued which provides term insurance on any person which together with any other term insurance under any group life insurance policy or policies issued to trustees or employers exceeds Twenty Thousand Dollars (\$20,000.00), unless one hundred fifty per cent (150%) of the annual compensation of such person from his employer or employers exceeds Twenty Thousand Dollars (\$20,000.00), in which event all such term insurance shall not exceed Forty Thousand Dollars (\$40,000.00) or one hundred fifty per cent (150%) of such annual compensation, whichever is the lesser.

(e) The limitation as to amount of group insurance on any person shall not apply to group insurance on other than the term plan where such insurance is to be used to fund the benefits under a pension plan and the amount of such insurance does not exceed that required to provide at normal retirement date the pension specified by the plan, and except that a group policy which is issued by the same or another carrier to replace another group policy may provide term insurance not to exceed the amount provided by the

policy which it replaces, or the amounts provided above whichever is greater.

(f) No policy may be issued (i) to insure employees of any employer whose eligibility to participate in the fund as an employer arises out of considerations directly related to the employer being a commercial correspondent or business client or patron of another employer (regardless of whether such other employer is or is not participating in the fund); or (ii) to insure employees of any employer which is not located in this state, unless the majority of the employers whose employees are to be insured are located in this state, or unless the policy is issued to the trustees of a fund established by one or more labor unions.

(6) No policy of wholesale, franchise or employee life insurance, as hereinafter defined, shall be issued or delivered in this state unless it conforms to the following requirements:

(a) Wholesale, franchise or employee life insurance is hereby defined as: a term life insurance plan under which a number of individual term life insurance policies are issued at special rates to a selected group. A special rate is any rate lower than the rate shown in the issuing insurance company's manual for individually issued policies of the same type and to insureds of the same class.

(b) Wholesale, franchise or employee life insurance may be issued to (1) the employees of a common employer or employers, covering at date of issue not less than five employees; or (2) the members of a labor union or unions covering at date of issue not less than five members; or (3) the members of a credit union or credit unions covering at date of issue not less than five (5) members.

(c) The premium for the policy shall be paid either wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions or by both, or partly from such funds and partly from funds contributed by the insured person, except that in no event shall the contribution by an insured person toward the cost of his insurance exceed forty cents per thousand per month.

(d) No policy may be issued on a wholesale, franchise or employee life insurance basis which, together with any other term life insurance policy or policies issued on a wholesale, fran-

chise, employee life insurance or group basis, provides term life insurance coverage for an amount in excess of Twenty Thousand Dollars (\$20,000.00) unless one hundred fifty per cent (150%) of the annual compensation of such person from his employer or employers exceeds Twenty Thousand Dollars (\$20,000.00), in which event all such term insurance shall not exceed Forty Thousand Dollars (\$40,000.00), or one hundred fifty per cent (150%) of such annual compensation, whichever is the lesser. An individual application shall be taken for each such policy and the insurer shall be entitled to rely upon the applicant's statements as to applicant's other similar coverage upon his life.

(e) Each such policy of insurance shall contain a provision of substantially as follows:

A provision that if the insurance on an insured person ceases because of termination of employment or of membership in the union, such person shall be entitled to have issued to him by the insurer, without evidence of insurability an individual policy of life insurance without disability or other supplementary benefits, provided application for the individual policy shall be made, and the first premium paid to the insurer, within thirty-one (31) days after such termination.

(f) Each such policy may contain any provision substantially as follows:

/1/ A provision that the policy is renewable at the option of the insurer only;

/2/ A provision for termination of coverage by the insurer upon termination of employment by the insured employee;

/3/ A provision requiring a person eligible for insurance to furnish evidence of individual insurability satisfactory to the insurer as condition to coverage.

(g) The limitation as to amount of group and wholesale, franchise or employee life insurance on any person shall not apply to group insurance on other than the term plan where such insurance is to be used to fund benefits under a pension plan and the amount of such insurance does not exceed that required to provide at normal retirement date the pension specified by the plan, and except that a group policy which is issued by the same or another carrier to replace another group policy may provide term insurance not to exceed the amounts provided by the policy

which it replaces, or the amounts provided above, whichever are greater.

(h) Nothing contained in this Subsection (6) shall in any manner alter, impair or invalidate (1) any policy heretofore issued prior to the effective date of this Act; nor (2) any such plan heretofore placed in force and effect provided such prior plan was at date of issue legal and valid; nor (3) any policy issued on a salary savings franchise plan, bank deduction plan, pre-authorized check plan or similar plan of premium collection.

(7) A policy issued to the Veterans' Land Board of the State of Texas, who shall be deemed the policyholder to insure qualified veterans as provided in Section 16(B) of Article 5421m, Vernon's Texas Civil Statutes (Chapter 318, Acts of the 51st Legislature, Regular Session, 1949, as amended)."

Section 3. If any Section, paragraph or provision of this Act be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining Sections, paragraphs or provisions of this Act, but the same shall remain in full force and effect, and to this end the provisions of this Act are declared to be severable.

Section 4. The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

On motion of Senator Martin and by unanimous consent the reading of the amendment was dispensed with and Senator Martin explained the amendment to the Members of the Senate.

The amendment was adopted.

On motion of Senator Martin and by unanimous consent the caption was amended to conform to the body of the bill.

The bill as amended was passed to engrossment.

Senate Bill 35 on Third Reading

Senator Martin moved that the Constitutional Rule and Senate Rule

32 requiring bills to be read on three several days be suspended and that S. B. No. 35 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—23

Aikin	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hardeman	Rogers
Herring	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis
Martin	

## Absent

Baker	Hazlewood
Fuller	Hudson

## Absent—Excused

Moffett	Spears
Roberts	Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—22

Aikin	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Herring	Rogers
Kazen	Schwartz
Krueger	Smith
Lane	Willis

## Nays—1

Secrest

## Absent

Baker	Hazlewood
Fuller	Hudson

## Absent—Excused

Moffett	Spears
Roberts	Weinert

## Senate Bill 93 on Second Reading

Senator Martin moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 93 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—25

Aikin	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Willis
Lane	

## Absent

Baker	Hudson
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## Absent—Excused

Moffett	Spears
Roberts	Weinert

The President Pro Tempore then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 93, A bill to be entitled "An Act amending Senate Bill No. 36, Page 544, General Laws of the State of Texas, Forty-sixth Legislature, Regular Session, 1939, as amended by House Bill No. 611, Chapter 562, Page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended, which is codified as Article 695c, Vernon's Texas Civil Statutes, by amending Section 41 of said Article; authorizing payment to vendors of Medical Assistance on behalf of recipients of Public Assistance, as the term is defined in Senate Bill No. 79, Page 858, Acts of the Fifty-seventh Legislature, Regular Session, 1961, and being codified in Vernon's Texas Civil Statutes as Article 695j, in accordance with the rules and regulations promulgated by the State Department of Public Wel-

fare, while such recipients are temporarily visiting outside of the State; providing a repealing clause; a saving clause; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

#### Senate Bill 93 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President Pro Tempore laid S. B. No. 93 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

#### Yeas—25

Aikin	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Willis
Lane	

#### Absent

Baker	Hudson
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#### Absent—Excused

Moffett	Spears
Roberts	Weinert

#### Senate Bill 40 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 40, A bill to be entitled "An Act amending Section 2 of Chapter 223, Acts of the 56th Legislature, Regular Session, 1959, page 505 (codified as Article 4437f of Vernon's Annotated Civil Statutes of Texas), in regard to the definition of 'hospital' containing the severance clause; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on passage of S. B. No. 40 to engrossment.

#### Senate Bill 40 on Third Reading

Senator Martin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 40 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—23

Aikin	Martin
Calhoun	Moore
Colson	Owen
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Willis
Lane	

#### Nays—2

Hardeman	Parkhouse
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#### Absent

Baker	Hudson
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#### Absent—Excused

Moffett	Spears
Roberts	Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Pending discussion on final passage of S. B. No. 40, Senator Owen occupied the Chair.

Question: Shall S. B. No. 40 be finally passed?

#### Welcome Resolutions

S. R. No. 42, By Senator Krueger for President Pro Tempore Herring: Extending welcome to 31 students from Sixth Grade of Margaret Reilly Elementary School and their teacher, Mrs. Evelyn Bozarth.

S. R. No. 43, By Senator Krueger for President Pro Tempore Herring: Extending welcome to 29 students from the Sixth Grade Class of Wooten Elementary School and their teacher, Mrs. George Blassengame.

**Adjournment**

On motion of Senator Hardeman the Senate at 4:43 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

## In Memory of

# Frank Lee Moffett

Senator Colson offered the following resolution:

(Senate Resolution 41)

Whereas, The Creator in His Infinite Wisdom called from this life on January 20, 1962, Frank Lee Moffett, father of our esteemed colleague, Senator George Moffett; and

Whereas, This outstanding Texan was born in Ellis County on October 31, 1860, on a farm which his father purchased in 1854, just one week before Abraham Lincoln was elected President the first time in November, 1860; and

Whereas, His adventurous spirit took him to the western part of the United States and finally in 1884 to Alaska where he and his companions, after many exciting experiences and dangerous hardships, were fortunate enough to discover raw gold. Each one's part was about \$4,000 above expenses, which was brought back in a leather poke and sold to the government mint in San Francisco. He returned to Texas to visit his family in Ellis County, bought a wagon and team and went to Hardeman County where he purchased a section of land. The trip took one week, and he remained in Hardeman County until his death; and

Whereas, Mr. Moffett was County Commissioner of Hardeman County from 1896 to 1908, during which time the present County Court House at Quanah was built. He was the last surviving member of the group of county officials which held office at that time; and

Whereas, During the long span of his life—101 years—he saw his community and his state advance in every aspect, and his own contributions to such progress were of the highest quality; and

Whereas, He was a 32nd degree Mason and a Shriner. He was active in civic affairs and was interested in the improvement of farming and ranching all of his life. He was a true pioneer citizen of Texas, whose contributions to its development helped make Texas great; and

Whereas, He was married to Miss Ina Farrington in 1894. She preceded him in death in 1959, thus ending a marriage of almost 65 years; and

Whereas, Mr. Moffett is survived by his distinguished son, our respected and able colleague, Senator George Moffett; and by his daughter, Mrs. Raymond Touchstone, both of Chillicothe, Texas; three grandchildren, Joy Moffett of Los Angeles, California, Frank Moffett, presently of Norman, Oklahoma, Mrs. Carol Benton of Houston, Texas; and one great-grandchild, Kent Lee Moffett; now, therefore, be it

Resolved, That the Senate of Texas express its sincere sympathy to the family of Frank Lee Moffett; and be it further

Resolved, That a copy of this resolution be sent to these surviving members of his family; and be it further

Resolved, That a page be set aside in the Senate Journal in memory of Mr. Frank Lee Moffett and that when the Senate adjourns today it do so in his honor.

COLSON  
MARTIN  
AIKIN  
RATLIFF

Signed—Charles F. Herring, President Pro Tempore; Baker, Calhoun, Creighton, Crump, Dies, Fuller, Hardeman, Hazlewood, Hudson, Kazen, Krueger, Lane, Moore, Owen, Parkhouse, Patman, Reagan, Roberts, Rogers, Schwartz, Secrest, Smith, Spears, Weinert, Willis.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the names of the President Pro Tempore and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

**In Memory of**  
**Judge John Chambliss Winfree**

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Senator Colson offered the following resolution:

(Senate Resolution 44)

Whereas, On December 10, 1961, the State and Nation lost a beloved jurist, citizen, patriot and friend, with the death of Judge John Chambliss Winfree of Waller County, Texas; and

Whereas, Judge Winfree's life drew to a close at his home town of Hempstead, only a few miles from the site of his birth in the Bracy Island Community in Waller County, where he was born on January 23, 1900; and

Whereas, He served his country in both World War I and World War II, each time joining the armed forces by voluntary enlistment: in World War I on June 3, 1918, and in World War II, exactly 24 years later, on June 3, 1942; and

Whereas, He received his commission on May 28, 1943; he served in the European theatre and participated in the D-Day invasion on Normandy Beach; he received the Purple Heart for injuries received that day when his ship was sunk in the Channel; he was awarded EAME campaign medals with three bronze service stars and one bronze arrowhead; and

Whereas, He returned to Hempstead and was elected County Judge of Waller County, taking office in January, 1947, and serving continuously until his death 14 years later; and

Whereas, He married Miss Erma Stuart of Lufkin, Texas, on November 9, 1929; he was a considerate and devoted husband; and

Whereas, As he was a life-long member of the Baptist Church, which he attended faithfully, he was on his way to worship on the Sunday morning on which he was stricken with his fatal heart attack; and

Whereas, He went over and beyond the call of his position many times in his efforts to solve problems of juveniles, parents and guardians and as adjudicator of child support and domestic relations cases; and

Whereas, His willingness to help was expressed also through generous financial assistance; and

Whereas, During his tenure as County Judge, he was instrumental in obtaining for the County the Waller County Hospital, a new courthouse, a new jail, and some 125 miles of hard-surfaced roads; and

Whereas, His friendliness, his sense of humor, his ready ability with the quip, together with his thorough knowledge of the history of Waller County and the South, made him much sought as a speaker before civic and other groups; and

Whereas, The State of Texas would like to pay tribute to this great Texan, and to give recognition to his rare ability, his noble character, his vigorous activity in many phases of public, civic, cultural, military and patriotic activities and his devoted interest in his fellowman; now, therefore, be it

Resolved, That the Senate of the Third Called Session of the 57th Legislature of the State of Texas express our appreciation for his invaluable services by directing that a page in the Journal be set aside as a memorial to him; and, be it further

Resolved, That we extend to his bereaved family our sincere and heartfelt sympathy; that official copies of this resolution be sent to his wife, Mrs. Erma Stuart Winfree, and his brother, Mr. Leonard W. Winfree, both of Hempstead, Texas, and to his sister, Mrs. J. G. Bell of Liberty; and that when the Senate adjourns today it do so in solemn tribute to John Chambliss Winfree, whose life and deeds will live long in the memory of this State and in the hearts of his multitude of friends.

**COLSON  
KRUEGER**

The resolution was read and was adopted by a rising vote of the Senate.